



Memorandum

TO: Mayor and City Council

FROM: Bob Morgan, Interim City Manager *Bum*

DATE: April 3, 2009

SUBJECT: IFYI

City Manger Search Update

Attached is an update on the City Manager Search process. RFP's were received through April 3, 2009 from executive search firms. At the April 7 meeting, I will request direction from the City Council as to how it wishes to proceed with selecting an executive search firm.

Request for Support in Opposing Senate Bill 839 and House Bill 768

Skip Warren, Chair of the ABC Board is requesting a letter be sent to our delegation opposing SB 839 and HB 768. The Council will be asked for direction in responding to this request. Attached is a draft letter supporting that request.

Request for support for the I-85 Bridge Over Yadkin River

The Piedmont Authority for Regional Transportation has requested the adoption of the attached resolution in support of the construction of the bridge over the Yadkin River. The council will be asked for direction in responding to this request at the April 7 meeting.

Update on S1001/H881 – Transportation Corridor Mapping Changes and S758 – Transfer Secondary Roads to Counties.

Attached is a memo from Julie White, Director Metro Mayors Coalition on the above two bills. The City Council will be asked for direction on these bills at the April 7 meeting.

Information for IFYI

City Manager Search Update

April 2, 2009

The search for an executive search firm to find a City Manager was launched on March 3. Notice of the search was posted on the City website's main page. The notice was linked to a Request for Proposal eliciting the participation of qualified executive recruitment firms to conduct the search. Thirty three national search firms were notified, inviting them to submit proposals by April 3. To date, we have received 19 proposals and more are expected before the deadline.

In anticipation of having a considerable number of proposals with varied services to select from, Staff is requesting that Council provide guidance in the following areas in order to proceed.

1. Designate Process Coordinator – Can be an individual, full Council, Council sub-group, or other group. Staff recommends a Search Committee with a Chair appointed by Council that would serve as primary contact with the search firm, liaison to Council and direction to staff.
2. Council –designated process coordinator
 - Will manage search firm selection process– (Staff will make available to Council or its designee some criteria it might consider in reaching a decision)
 - Direct staff and selected search firm in recruiting and screening process
 - Direct staff and selected search firm in process design (citizen input process, assessment components, etc)
 - Finalize timeframe requested for desired hire date

Proposal respondents and a proposed selection criteria for search firm selection will be available at the April 7 City Council Meeting for Council's later review.

At the April 7 meeting, under items from the Manager, the Interim City Manager will request direction from Council on how it wishes to proceed with selecting an executive search firm.

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The Honorable Don Vaughan
NC Senate
300 N. Salisbury Street, Room 622
Raleigh, NC 27603-5925

Dear Mr. Vaughan,

The purpose of this letter is to voice my concern and strong opposition on behalf of the City of Greensboro regarding Senate Bill 839 and House Bill 768, An Act to Modernize the North Carolina Alcoholic Beverage Control System. Both bills were introduced in response to the PED study, with the intention of addressing certain ABC boards which are considered unprofitable to local governments.

I strongly oppose granting the authority to the state ABC Commission to mandate mergers of local ABC Boards and I also oppose the establishment of agency stores.

In 1937, the North Carolina General Assembly allowed municipalities to vote or to not vote for alcohol to be in their community. If the citizens voted favorable for alcohol to be sold in their "community", the local governmental entity would establish a local board. In 1951, the citizens of Greensboro voted to have a city board and entrusted the local government with the authority to establish a board to regulate and manage the sale of alcohol in our community. Other municipalities throughout the years voted similarly and entrusted their local government to establish the ABC Board pursuant to these state and local laws all net profits from revenues collected are distributed to local governments and their communities for us for public purposes.

In addition, ABC Boards were established to provide a service and to control the sale of alcohol while returning a reasonable profit to the community. All of the ABC Boards in North Carolina do provide state revenue. In fact, of the 28 boards listed in the PED study as "non-profitable", they still contributed \$5,801,700 in state excise tax, \$186,522 in mixed beverage tax, \$115,869 in rehabilitation tax, \$73,555 to law enforcement, \$83,075 in alcohol education, \$170,000 to the state ABC Commission, \$1,953,224 in sales taxes for a grand revenue total of \$8,401.693. There has been no evidence presented that shows the state or local community will receive additional revenue should a board merge.

In regard to the bills authorizing the State ABC Commission to force mergers and to have one board per county, I believe this provision in the bill is contrary to what was voted previously by the local citizens. I strongly oppose giving authority to the State ABC Commission to require mergers of local ABC Boards. I believe that forcing mandated mergers by the State ABC

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Commission would be a step backward and would destroy the local autonomy and control by local government.

Secondly, I strongly oppose the proposed legislation that allows the State ABC Commission to contract with a privately owned and operated retail outlet to sell liquor when it determines that efficient operation of an ABC store is not feasible. The local voters did not vote to allow spirits to be sold in private retail establishments and the sale by private employees would not be as well regulated with respect to "control" of sales.

For your information, the North Carolina League of Municipalities and the North Carolina Association of County Commissioners, on behalf of their respective local governments, oppose these bills as well.

In addition, our Greensboro ABC Board strongly urges you to oppose these bills and work to defeat them as they are definitely not in the best interest of local governments and the operation of the North Carolina Alcoholic Beverage Control System.

Sincerely,

Yvonne J. Johnson

Mayor



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MEMORANDUM

TO: City/County Managers within PART Territory

FROM: Brent McKinney, Executive Director

SUBJECT: Consideration of Resolution in Support of Funding for the I-85 Bridge Over The Yadkin River in Davidson County

DATE: March 13, 2009

The attached resolution was considered by the PART Board earlier this week and approved unanimously by those present for the meeting. (All but three voting members were present.) You will see in the resolution that the PART Board encourages all local government agencies in the region to take similar action.

Please give me a call if you have questions or if I can provide further information.

**RESOLUTION IN SUPPORT OF I-85 BRIDGE OVER
THE YADKIN RIVER IN DAVIDSON COUNTY**

WHEREAS, the Piedmont Authority for Regional Transportation (PART) was created by enabling legislation in 1997 to coordinate the multi-modal transportation activities in the ten-county Piedmont Triad Region of North Carolina; and

WHEREAS, PART coordinates transportation planning among four metropolitan planning organizations and four Divisions of the North Carolina Department of Transportation; and

WHEREAS, PART is primarily focused on the planning, design construction, maintenance and operation of a balanced transportation which includes of roadways of regional significance; and

WHEREAS, Interstate 85 passes through Davidson, Randolph, Guilford and Alamance Counties and crosses the Yadkin River in Davidson County; and

WHEREAS, the multi-lane I-85 Bridge over the Yadkin River is in need of total replacement at an estimated cost of \$300,000,000; and

WHEREAS, allocation of sufficient funds through the statewide equity distribution formula would take all of the construction funds for all projects allocated to Division 9 for the entire seven-year Transportation Improvement Plan program; thereby, making this action extremely burdensome.

NOW, THEREFORE, BE IT RESOLVED, that the Piedmont Authority for Regional Transportation Board of Trustees supports Governor Bev Perdue and the grant application in the amount of \$300,000,000 from the American Recovery and Reinvestment Act Discretionary Fund for construction of a new I-85 Bridge over the Yadkin River in Davidson County.

BE IT FURTHER RESOLVED that the PART Board of Trustees encourages all local government agencies in the region to support Governor Perdue's effort to secure federal American Recovery and Reinvestment Act (Stimulus) Funds for this needed roadway of regional, statewide and national significance.

Motion made by _____ and seconded by _____ and approved this 11th day of March, 2009.

Approved: _____
Darrell Frye
PART Board Chairperson

Witnessed: _____
PART Board Attorney

**To: N.C. Metro Mayors Coalition
League Government Affairs Staff**

**From: Julie White, Director
Metro Mayors Coalition**

Date: April 2, 2009

**Re: S1001/H881 – Transportation Corridor Mapping Changes – Jenkins, Cole
S758 – Transfer Secondary Roads to Counties – Rucho, Clodfelter**

Recently two bills were introduced that could result in the transfer of state maintained roads to municipalities. I have solicited input from our cities transportation directors and attorneys as to their effects and have outlined them below.

S1001/H881 – Transportation Corridor Mapping Changes – Jenkins, Cole

S1001 is an “agency bill” meaning NC DOT wrote the bill and asked the legislator to introduce it on their behalf. NC DOT outlines their goals as: 1) addressing NC DOT’s cash flow difficulties by changing the Powell Bill payments to twice a year (later in the year) rather than once, 2) clarifying who may adopt/amend a transportation corridor map, 3) formalizes the process for the development or revisions of transportation management plans, allowing the state and local government to negotiate individual routes with the state bringing the roads up to certain standards before they become part of the municipal system. The bill has an effective date of July 1, 2009.

Concerns

1. Section 1 - The bill will allow the state to hold on to city’s Powell Bill monies longer allowing them to accrue more interest. Rather than paying all money on October 1, 2010 (FY2011) the state will make half the payment on December 1, 2010 and the other half on June 1, 2011. In effect, a city will only be able to plan half of their normal projects in FY2011 as the second slug of money will not be available for spending until June 1, 2011 (rather than October 1, 2010). (The bill allows a onetime payment for cities that receive less than \$50,000. There were 242 municipalities that received less than \$50K in 2008. They ranged in population from 52 to 2,214. The remaining 265 recipients ranged in population from 373 to 674,752.)
2. Section1 – Additionally, the bill changes the payments from “shall” to “may”. This could allow the State discretion in making the payments. Also, because the State is holding onto the monies longer, there is more likelihood that they decide to keep the money and use it to balance the State budget.
3. Section 5 – Allows the NC DOT and the Federal Highway Administration to classify all streets and highways currently under state responsibility into the federal functional classification system. It further says that only the roads classified as major collectors, arterials, or interstate routes can be under the responsibility of NC DOT. It changes the agreements on responsibility of roads between the city and the NC DOT from “may” to

“shall”, and says the agreements shall become effective June 30, 2015. This will transfer roads from the state to the cities. An individual city can determine how many roads this could change responsibility of by comparing the Powell Bill map to the federal functional class map. CAMPO has estimated that this will transfer 116,810 lane miles from state responsibility to city responsibility.

4. Section 5 – If a road, due to its new functional class, is transferred from the State to a city the road is now eligible for Powell Bill money. Remember, the Powell Bill money is a set pot of money; it does not grow as miles are added. It is simply stretched another 116,810 miles thinner.
5. Section 5 – Has very vague language on NC DOT bringing the roads up to “acceptable maintenance standards” prior to placing them in the municipal system. There are no definitions in the bill for what “acceptable” is. Cities report that historically the state’s process for bringing streets up to an acceptable standard is to resurface over a poor base resulting in costly repairs down the road. A better standard should include a sound base as well as good surface condition and should include the condition of drainage systems, curbs, and sidewalks.

S758 – Transfer Secondary Roads to Counties

S758 breaks the current State Highway System into two separate systems, one maintained by the State-referred to as the State Highway System-, limited to those roads with a N.C., U.S. or Interstate number. It creates a county secondary road system which is all other previously maintained State roads including the state maintained roads within municipalities. The prior referenced 5,000 center lane miles of state roads within municipal borders would be a part of the new county maintained secondary system. This bill has an effective date of Jan. 1, 2011.

Concerns

- 1) CAMPO estimates that this bill will move approximately 129,454 lane miles of state roads to county responsibility.
- 2) The State currently spends \$300 million a year maintaining these secondary roads and \$84 million constructing new secondary roads. The bill only transfers the construction money with the roads. The State retains the maintenance money.
- 3) The bill allows the county alone to choose which improvement or maintenance projects to prioritize and fund.
- 4) While the bill substantially reduces the road miles NC DOT is responsible for there is no reduction in NC DOT staff in the bill.